

PROPOSAL NO. 99
(for Commission use)

2005-06 HONOLULU CHARTER COMMISSION
CHARTER AMENDMENT PROPOSAL FORM

1. Provide a brief description of the purpose of the proposed charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:

This proposed charter amendment aims to protect agricultural and preservation lands from the encroachment of urban sprawl.

This proposal requires that when an acre of land is converted *from* agriculture or preservation designations, an acre of land will be converted *to* those designations – ensuring no net loss of agricultural or preservation land.

This provision will help to ensure that Hawaii preserves its precious open space and fragile environment for future generations to enjoy.

2. If applicable, list the charter provision(s) proposed to be deleted or amended:

Amend 6-1511 and 6-1514

3. If the proposal is based on a provision or provisions in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

N/A

4. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

N/A

5. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Section 6-1511. Adoption of the General Plan and Development Plan --

1. The council shall adopt the general plan or revisions thereof by resolution and development plans or amendments thereto by ordinance. Resolutions adopting or revising the general plan shall be laid over for at least two weeks after introduction. Such resolutions shall be advertised once in a daily newspaper of general circulation at least ten days before adoption by the council. Upon adoption, every such resolution shall be presented to the mayor, and the mayor may approve or disapprove it pursuant to applicable provisions governing the approval or disapproval of bills.

The general plan and all development plans shall be kept on file in the department of planning and permitting.

2. Any revision of or amendment to the general plan or any existing development plan may be proposed by the council and shall be processed in the same manner as if proposed by the director. Any such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director's usual requirements for the commencement of processing. If the planning commission disapproves the proposed revision or amendment or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of either thirty days after the close of its public hearing or ninety days after its receipt by the commission, whichever occurs first, the council may nevertheless adopt such revision or amendment, but only by the affirmative vote of at least two-thirds of its entire membership.

Any revision of or amendment to the general plan or any existing development plan which has been processed as an "unendorsed proposal" shall, in the absence of an affirmative recommendation from the planning commission, require for its adoption the affirmative vote of at least two-thirds of the entire membership of the council.

3. Any development plan or amendments thereto which contemplate the removal of land from agricultural or preservation designations shall be accompanied by a recommendation of an equivalent acreage of land to be placed into agricultural or preservation designations.

[3]4. Public improvement projects and subdivision and zoning ordinances shall be consistent with the development plan for that area, provided that development plan amendments and zoning map amendments may be processed concurrently. If any provision of the general plan or development plans places the receipt of federal funds in jeopardy, the council may, after a public hearing, set aside the general plan or development plans, but only to the extent necessary to resolve the conflict which jeopardizes federal funding.

[4]5. No person shall construct, operate or maintain any street railway or bus or other motor vehicle common carrier line or transit system on any street or route within the city unless the location and extent thereof has been submitted to and approved by the director as being in conformity with the general plan and the development plan for that area.

Section 6-1514. Zoning Ordinances --

The council shall, after public hearings, enact zoning ordinances which shall contain the necessary provisions to carry out the purpose of the general plan and development plans. For purposes of this charter, the term "zoning ordinances" shall refer both to a codification of the standards listed below and/or described in state law and to ordinances designating and redesignating particular parcels of property in terms of that codification. In enacting the ordinances, the council shall take into consideration the character of the several parts of the city and their peculiar suitability for particular uses and types of development with a view to encouraging the most appropriate use of land throughout the city. The ordinances shall contain reasonable standards with respect to the location, bulk, size and permitted densities of buildings and other structures, the area of yards and other open spaces, off-street parking and loading spaces, and the use of buildings and lots. **No zoning ordinance shall be approved removing land from agricultural or preservation designations unless an equivalent acreage of land is placed into agricultural or preservation designations.**